

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA

v.

MICHAEL D. BROWN

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Mag. No. 1:18-mj-00197-JAW

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

On November 21, 2018, the Magistrate Judge issued a Recommended Decision after Competency Hearing. *Recommended Decision After Competency Hr'g* (ECF No. 27). On November 21, 2018, the Government and Michael Brown waived their right to object to the Recommended Decision. *Gov't's Waiver of Objection to Recommended Decision After Competency Hr'g* (ECF No. 28); *Def.'s Waiver of Objection to Recommended Decision Regarding Competency* (ECF No. 29). Having reviewed the Recommended Decision and made its de novo determination, the Court affirms the Recommended Decision of the Magistrate Judge.

The Court:

1) adopts the findings and conclusions in Dr. Tillbrook's report, including that "due to his psychiatric illness," defendant "has substantial impairment in his ability to work with his attorney to formulate and execute a viable defense strategy, to monitor the courtroom proceedings and to comport his behavior to the Court's expectations," and that Defendant's "disorganized thinking and delusional beliefs

produce significant deficits in his ability to make rational decisions pertinent to the adjudication of his case;”

2) finds, by a preponderance of the evidence, that Defendant is presently suffering from a mental disease or defect that renders him unable to understand the nature and consequences of the proceedings against him and that renders him unable to assist properly in his own defense;

3) orders, pursuant to 18 U.S.C. § 4241(d), that the Defendant be committed to the custody of the Attorney General of the United States, and that the Attorney General shall hospitalize the Defendant for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward;

4) orders, pursuant to 18 U.S.C. § 4241(e), that if the director of the facility in which Defendant is hospitalized determines that Defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, the director shall promptly file a certificate to that effect with the Clerk of the Court for the United States District Court for the District of Maine at 202 Harlow Street, Bangor, Maine 04401; and

5) orders that a copy of the Court’s Order be given to the United States Marshal; that the U.S. Marshal make arrangements as are necessary for the hospitalization of the Defendant as required by this Order; that if Defendant is hospitalized outside the District of Maine, upon Defendant’s return to the District of

Maine from the facility, the U.S. Marshal immediately notify this Court of that fact; and that the period of commitment from the date of the Court's Order be excluded in computing the time within which the trial of any such offense must commence, pursuant to 18 U.S.C. § 3161(h)(1)(A).

SO ORDERED.

/s/John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 29th day of November, 2018.